



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	BOARD OF PLUMBING & HVACR EXAMINERS
MEETING DATE AND TIME:	Tuesday, April 13 2010 8:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon
MINUTES APPROVED:	

MEMBERS PRESENT

Robert Briccotto, Jr., Professional Member, President
Dean Sherman, Professional Member, Vice-President
Shirley Good, Public Member
Christopher Preston, Professional Member
Jerome Todd, Professional Member
Gerard Pepeta, Professional Member
Frank Beebe, Professional Member
James Anderson, Public Member

MEMBERS ABSENT

Carol Guilbert, Public Member, Secretary

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Patricia Oliva, Deputy Attorney General
Judy Letterman, Administrative Specialist III

OTHERS PRESENT

Chuck Davidson
Charles Robinson
Ed Capodanno,
Ralph Degli Obizzi, Jr.

CALL TO ORDER

Mr. Briccotto called the meeting to order at 8:48 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Sherman, seconded by Mr. Beebe to approve the March 9, 2010 meeting minutes as presented. The motion was unanimously carried

UNFINISHED BUSINESS

Propose to Deny Hearing

Ms. Oliva stated that today's hearing was regarding the Grandfathered HVACR application of Brett Elkington.

Mr. Elkington was convicted of a crime(s) on the Board's list, which would prevent licensure. His crimes fall under Rule 8.1.21 and Rule 8.2.23.

Ms. Oliva explained that section 1808 (a) (3) allows the Board to approve his application if he meets all three of the following requirements:

- it has been more than five years since conviction
- he can competently provide HVACR service
- will not harm the safety of the public

Mr. Elkington was not in attendance to give testimony.

Ms. Oliva present the Board with Exhibit I which included the notice of today's hearing, the postal tracking notice showing that the hearing notice was delivered and a note from the Division of Professional Regulation that Mr. Elkington had called, on February 24, 2010 requesting a chance to plead his case.

The Board went off the record and into deliberations

The Board went back on the record.

A motion was made by Ms. Good, seconded by Mr. Beebe to deny the Grandfathered application. The motion was unanimously carried.

Re-Review of Application

A motion was made by Mr. Sherman, seconded by Ms. Good, to approve the applications of James LeFevre, David Wolfe, Ralph Rogers and Joseph Antonelli and to propose to deny the application of Janusz Stachon since he does not have 2 years of experience after completion of his apprenticeship program and to propose to deny the application of Steven Owens since he did not provided proof of 7 years of experience. The motion was unanimously carried.

The Board was advised that in January 2010, Brennan Tomko contacted the Division to fax additional documents for his grandfathered HVACR application and was told that his application had been denied in September 2009. He stated that he was told that his application would remain on file for one year.

The Board tabled his application on May 13, 2009, pending receipt of additional information to verify 5 years of work experience in Delaware. On May 22, 2009, he contacted the Division and requested a refund of the processing fee, and was told it was a non-refundable.

The Board sent a certified letter on July 14, 2009, informing him that they were proposing to deny his application since he did not send in the required documentation. On July 24, he called and was told his application was not approved and again he requested a refund.

At the September 9, 2009 meeting, the Board denied his application and he was notified by certified mail, which was returned "unclaimed".

Ms. Letterman stated that callers ask questions about their application but do not always explain that they are responding to a letter issued by the Board so without additional information, the Call Center may provide the basic information to Mr. Tomko on the status of his application and the Divisions one year policy concerning pending or incomplete applications.

A motion was made by Mr. Sherman, seconded by Ms. Good, to leave the Board decision as it stands which was denying the application of Brennan Tomko since he did not submit any new additional documentation. The motion was unanimously carried.

Strategic Plan

Discussion of Non-Substantially Similar Reciprocity Requirements

This was discussed under Other Business Before the Board.

Discussion of Proposed Legislation

Mr. Briccotto informed the Board that the Division of Public Health(DPH) will be having a regulation hearing on April 22, 2010 and part of the propose changes concern charging a \$100 permit inspection fee. His first concern is that DPH will be charging a fee but not doing the inspection since the inspections are being done by the local jurisdiction therefore this fee is only to increase their revenues. His second concern is that the public will either do the work themselves and not obtain a permit or inspection or they will hire an unlicensed person to complete the work and not obtain a permit or inspection in order to save money now it becomes a public safety issue.

Mr. Davidson stated that \$100 fee would not be charged if the jurisdiction were inspecting the job site. Both Mr. Sherman and Mr. Briccotto asked where in the proposed regulations that inspection fee information is stated. At the January meeting, the Board understood based on the DPH presentation, that the \$100 inspection fee would be charged for all inspections even if an inspection were completed by the local jurisdiction. Mr. Davidson recommended that they ask that question at the hearing.

Mr. Davidson also stated that the fees are not revenue for DPH but the money goes directly to the Office of Management and Budget. He also informed the Board that the proposed language requires DPH to update the code every 3 years.

NEW BUSINESS

Ratification of Applications

A motion was made by Mr. Sherman seconded by Mr. Preston to ratify the applications of Ronald Inscoe, Michael Funk, Richard Minesinger, Randolph Chabot, Mark Alexander, Michael Bowersox, William Wolf and Charles Trageser. The motion was unanimously carried

Review of Grandfathered Applications

A motion was made by Mr. Sherman, seconded by Mr. Anderson to approve the application of Stephen Garyantes. The motion was unanimously carried.

Review of Reciprocity Applications

A motion was made by Mr. Beebe, seconded by Mr. Todd to approve the application George Carles, and Bradley Hall. The motion was unanimously carried.

Review of Examinations

A motion was made by Mr. Todd, seconded by Ms. Good to approve the Plumbing exam application of Michael Calhum and the Master HVACR applications of Troy Metz and Kelvin Green and to table the application of Wray Paynter pending a job description or letter from the employer disclosing his job duties. The motion was unanimously carried

Complaint Status

34-01-09-Forwarded to Office of Attorney General
34-02-09-Forwarded to Office of Attorney General
34-03-09-Forwarded to Office of Attorney General
34-09-09-Closed
34-10-09-Forwarded to Office of Attorney General
34-13-09-Assigned
34-14-09-Assigned
34-15-09-Assigned
34-01-10-Assigned

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Mr. Deglio Obizzi and Mr. Cappandonno informed the Board of a proposed legislative bill that has been submitted concerning changing our reciprocity requirements, which would require any applicant who is applying from a state that is not substantially similar to Delaware to take the exam for licensure. Both expressed their concern with the number of reciprocal applications that have been approved by the Board and these licensees taking work away from licensees who live and work in Delaware and that the board should not accept a reciprocity application if their State does not recognize our licensees.

Mr. Sherman informed him that according to James Collins, Division Director, this type of change would not sit well with the Sunset Committee since it is the Board responsibility to protect the public not the profession.

The Board will send a letter to the Legislature as to why they will not support the bill.

Mr. Sherman informed the Board that at the time this Board moved from the Division of Public Health (DPH) to the Division of Professional Regulations (DPR) the authority to adopt the plumbing code was left to DPH and he would like to see that responsibility moved and be the responsibility of this Board. This will be added for discussion on the next agenda.

Mr. Briccotto informed the Board that New Castle County is not verifying if their license applicants hold a State issued HVACR license at the time they become license by the county so there could be contractors licensed working contractors in New Castle County with out the State issued HVACR license.

PUBLIC COMMENT

No public comment

NEXT SCHEDULED MEETING

The next meeting will be held on **Tuesday, May 11, 2010** at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

A motion was made by Mr. Beebe, seconded by Ms. Good to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 10:30 a.m.

The workshop scheduled for 10:00 am has been cancelled.

Respectfully submitted,

Judy Letterman
Administrative Specialist III